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9 page]

10 *Attorney for Plaintiff and the Proposed  
11 Class*

12 UNITED STATES DISTRICT COURT  
13 CENTRAL DISTRICT OF CALIFORNIA

14 PAUL RYAN individually and on  
15 behalf of all others similarly situated,

16 Plaintiff,

17 v.

18 WILSHIRE LAW FIRM, P.L.C.

19 Defendant.

Case No. 2:24-cv-08816-CV-MAR

**JOINT 26(F) REPORT**

**Class Action**

**JURY TRIAL DEMAND**

20  
21 Plaintiff Paul Ryan (“Plaintiff”) and Defendant Wilshire Law Firm, P.L.C.  
22 (“Defendant”) (collectively, the “Parties”), by their respective attorneys, submit the  
23 following:

24 In accordance with Federal Rule of Civil Procedure 26(f), counsel for the  
25 Parties conferred by telephone on February 12, 2025. The Parties have agreed that

26 - 1 -

27  
28 JOINT RULE 26(F) REPORT

*Ryan v. Wilshire Law Firm*

1 they will continue conferring on discovery issues. The Parties jointly submit this  
2 report setting forth the agreements reached during the Rule 26(f) conference, in  
3 accordance with Rule 26(f) and Local Rule (“LR”) 26-1.

4 1. Statement of the Case

5 **Plaintiff’s Statement:**

6 The Plaintiff received at least 100 calls from the Defendant in violation of  
7 the TCPA. These calls violated the TCPA because they were prerecorded messages  
8 sent to the Plaintiff’s cell phone number. 47 U.S.C. § 227(b)(1)(A)(iii). The TCPA  
9 makes it unlawful to send prerecorded messages to cell phones without the prior  
10 express written consent of the recipient, which such consent may be revoked at any  
11 time and by any reasonable means. And though the Plaintiff denies having consented  
12 as an initial matter, which is the Defendant’s burden to prove, the Plaintiff also  
13 alleges that he asked that the calls stop, but that they did not.

14 Plaintiff alleges that Wilshire Law Firm, P.L.C. (“Wilshire” or “Defendant”)  
15 made numerous pre-recorded calls to his cell phone in violation of the Telephone  
16 Consumer Protection Act, 47 U.S.C. § 227 (“TCPA”), including her own, and  
17 including after the Plaintiff had requested that they stop. Due to the *en masse* nature  
18 of the calling, the Plaintiff has filed this matter as a putative class action on behalf  
19 of the following class of individuals:

20  
21 **Robocall Class:** All persons within the United States: (1) to whose  
22 cellular telephone number (2) Wilshire (or an agent acting on behalf  
23 of Wilshire) placed a call (3) within the four years prior to the filing of  
24 the Complaint (4) using a pre-recorded message.

25 The Plaintiff received at least 100 prerecorded calls that were directly from the  
26 Defendant, expressly naming Wilshire and seeking to encourage the Plaintiff to hire

1 Wilshire to bring a lawsuit. As support of his contentions, the Plaintiff has alleged  
2 the dates and times of the calls, their content, and the caller IDs.

3 **Defendant's Statement:**

4 Plaintiff is suing over telephone calls he asked to receive. Plaintiff visited the  
5 Defendant's website seeking assistance with a prospective legal case and  
6 affirmatively provided his phone number on the website intake form. He asked  
7 Defendant to contact him regarding his potential lawsuit.

8 Plaintiff seeks to represent a class of persons under the Telephone Consumer  
9 Protection Act ("TCPA") because Defendant allegedly made prerecorded telephone  
10 calls to his (and other consumers') cellular telephone without prior express written  
11 consent. Defendant can prove that Plaintiff provided prior express written consent  
12 and is not a proper class representative for that and other reasons. Plaintiff also will  
13 be unable to establish the necessary Rule 23 elements required to certify his class.

14 2. Subject Matter Jurisdiction:

15 Plaintiff asserts a claim against Wilshire Law under the TCPA, which is a  
16 federal statute. Under 28 U.S.C. § 1331, he therefore has properly invoked this  
17 Court's subject matter jurisdiction over a federal question. *See Mims v. Arrow Fin.*  
18 *Servs., LLC*, 565 U.S. 368, 371-72 (2012).

19 Defendant does not yet know whether Plaintiff will be able to prove Article  
20 III injury-in-fact and reserves the right to object to subject matter jurisdiction.

21 3. Legal Issues:

22 The Parties identify the following legal issues underlying the claims and  
23 defenses asserted in this action:

- 24 • Whether Plaintiff can prove that received prerecorded telephone calls from  
25 Defendant;

- Whether those telephone calls are telemarketing in nature;
- Whether Defendant can prove that Plaintiff provided consent;
- Whether Plaintiff can meet the requirements of Fed. R. Civ. Pro. 23 such that this case can be certified as a class action;

4. Parties, Evidence, etc.:

Parties/Witnesses:

- Paul Ryan, Plaintiff
- Wilshire Law Firm, P.L.C., Defendant
- Onvoy and other downstream telephone providers, who service the telephone numbers at issue – information relating to the calls at issue, calling records, and information on subscribers of record
- T-Mobile, who services the Plaintiff's telephone number – information relating to the calls at issue, calling records, and information on subscribers of record
- Any other witnesses identified during discovery.

5. Damages:

The TCPA provides for statutory damages of at least \$500 per violation, which can be up to trebled if the Court finds that the violation is knowing and/or willful. 47 U.S.C. § 227(b)(5)(B). As such, the Plaintiff seeks for himself and the class the maximum permissible statutory damages under the TCPA. The TCPA also provides for injunctive relief, which the Plaintiff also seeks. The total amount of damages will depend on the number of calls the Defendant sent to the Plaintiff and each class member in violation of the TCPA.

Defendant denies that Plaintiff is entitled to damages under the TCPA or otherwise.

1 6. Insurance:

2 Not applicable to Plaintiff. Wilshire will assess if its umbrella policy is  
3 relevant to the conduct alleged in this matter and will provide a copy of the same to  
4 Plaintiff if it determines the policy is relevant.

5 7. Motion Schedule:

6 The Plaintiff will file a motion for class certification after he has received  
7 sufficient information regarding Defendant's calling conduct. The Plaintiff does not  
8 intend to file any dispositive motions at this juncture.

9 Wilshire intends to move for bifurcation on the basis that Plaintiff-specific  
10 facts sufficiently narrow the dispositive issue before the Court so as to demonstrate  
11 that there is no need for class discovery, certification, or trial.

12 The Defendant will likely file a motion for summary judgement in accordance  
13 with FRCP 56.

14 8. Manual for Complex Litigation:

15 Plaintiff's position is that the procedures of the Manual for Complex  
16 Litigation should be utilized for this case.

17 Because Defendant does not believe that this case is complex, following the  
18 guidance proscribed in the Manual for Complex Litigation is unnecessary here.

19 9. Status of Discovery:

20 Discovery has commenced and is in the early stages. Plaintiff states that  
21 discovery may be delayed because tracing the source of the calls requires the service  
22 of subpoenas to multiple third-party telephone vendors and potential resellers and  
23 tracing the calls up the chain of the telephone system, including as to a discrepancy  
24 as to the number of the calls placed to the Plaintiff. Plaintiff is endeavoring to trace  
25 the source of the calls expeditiously.  
26

1 Defendant believes that discovery should be conducted in phases, starting  
2 with discovery on behalf of Paul Ryan in his individual capacity, to spare the time  
3 and expense of conducting costly class discovery.

4 10. Rule 26(f) Topics:

5 The FRCP 26(f) conference took place on February 12, 2025. Plaintiff was  
6 represented Andrew Perrong of Perrong Law, LLC. Defendant was represented by  
7 Chad R. Fuller, Virginia Bell Flynn, and Christine Nowland of Troutman Pepper  
8 Locke, LLP.

9 Recognizing that the precise contours of the case, including the amounts of  
10 damages at issue, if any, may not be clear at this point in the case, in making the  
11 proposals below concerning discovery, the parties have considered the scope of  
12 discovery permitted under Fed. R. Civ. P. 26(b)(1).

- 13 a. Changes to Rule 26(a) Requirements: The parties do not believe  
14 that applicable limitations should be changed or other limitations  
15 imposed, or that the Court should enter other orders.
- 16 b. Alternative Dispute Resolution: See Paragraph 14, *infra*.
- 17 c. Anticipated Discovery Sought: The Plaintiff will seek discovery  
18 on the following subjects: (1) Defendant's calling data regarding  
19 Plaintiff and the proposed class; (2) Defendant's policies and  
20 procedures regarding compliance with the TCPA, including  
21 honoring opt-out requests; (3) Defendant's negligence or  
22 willfulness regarding any TCPA violations. Defendant intends to  
23 seek discovery regarding Paul Ryan's communication and  
24 contact with it and the consent he provided, as well as third-party  
25 discovery regarding vendor conduct.

d. Phasing of Motions: See Paragraph 7, *supra*.

e. Preservation of Discoverable Information: Both Parties have been advised to preserve discoverable information in their possession, custody, or control.

f. Privilege Issues: None at this time, although it is important to note that the Defendant is a law firm, which could pose issues down the road with potential class members.

11. Discovery Cut-off:

The Parties will jointly propose a discovery cut off date after the Court enters a scheduling order.

12. Expert Discovery:

**Plaintiff's Proposed Deadlines:**

- Plaintiff's expert disclosure Deadline: 6/11/2026
- Defendant's expert disclosure Deadline: 6/11/2026
- Rebuttal expert disclosure Deadline: 6/26/2026
- Expert discovery deadline: 7/9/2026

**Defendant's Proposed Deadlines:**

- Plaintiff/Defendant's expert disclosure deadline: August 1, 2025
- Plaintiff/Defendant's rebuttal expert disclosure deadline: August 15, 2025
- Plaintiff/Defendant's expert report deadline: August 22, 2025
- Expert discovery deadline: September 5, 2025

13. Settlement/Alternative Dispute Resolution (ADR):

1 The parties do not request an early settlement conference. A Notice to Parties  
2 of Court Directed ADR Program (Form ADR08) has been filed in this matter. The  
3 parties certify that they have considered the potential benefits of settling the case  
4 before undertaking significant discovery or motion practice, and Plaintiff's position  
5 is that at this time, settlement is unlikely. Plaintiff's position is that mediation should  
6 occur in the summertime, after some initial discovery has been conducted.

7 Defendant believes early mediation could significantly help resolve this case  
8 in the early stages and before too much time is spent in lengthy discovery.

9 14. Trial Estimate:

10 The parties agree that 5 days is sufficient. Each party believes it will call 3-  
11 5 witnesses. Plaintiff submits that the TCPA class action trial alleging similar  
12 violations that he has been a part of took 5 days to complete.

13 15. Trial Counsel:

14 Andrew Perrong for the Plaintiff.

15 Chad Fuller and Virginia Flynn, *pro hac vice*, for Wilshire.

16 16. Independent Expert or Master:

17 The Court should not consider appointing a master pursuant to Rule 53 or an  
18 independent scientific expert.

19 17. Additional Parties:

20 Defendant reserves the right to join additional parties as discovery unfolds.

21 18. Other Issues / Class Action

22 Plaintiff wishes to point out that this is a class action and that they are desirous  
23 of the Court setting a deadline for class certification in summer 2026.

24 Defendant believes class certification deadlines should be set for January  
25 2026.



1 Respectfully submitted,

2  
3 Dated: February 26, 2025 PERRONG LAW LLC

4 By: /s/Andrew R. Perrong

5 Andrew R. Perrong

6 Attorney for Plaintiff  
7 2657 Mount Carmel Avenue  
8 Glenside, PA 19038  
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215-225-5529

9  
10 Troutman Pepper Locke LLP

11 By: /s/ Chad Fuller

12 Chad Fuller

13 Virginia Flynn (pro hac vice)

14 Christine Nowland

Attorneys for Defendant Wilshire Law Firm P.L.C.

15 **ATTESTATION OF SIGNATURE**

16 Pursuant to Central District Electronic Local L.R. 5-4.3.4, I hereby certify that  
17 the content of this document is acceptable to counsel for Defendant, and I obtained  
18 his authorization to affix their electronic signatures to this document.

19  
20 /s/ Andrew R. Perrong

21 Andrew R. Perrong